

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**AMY BALDIN, an individual and as sole
manager of LUGANO PROPERTIES 4,
LLC, a Nevada Limited Liability Company,**

Plaintiff,

v.

**WELLS FARGO BANK, N.A., a National
Bank registered to do business in Oregon, and
WELLS FARGO HOME MORTGAGE, a
division of WELLS FARGO BANK, N.A.,**

Defendants.

MOSMAN, J.,

Judge Acosta recommended [133] that Plaintiff Amy Baldin's motion for leave to file a third amended complaint be granted in part and denied in part. Neither party filed objections.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. I am not bound by the recommendations of the magistrate judge; instead, I retain responsibility for making the final determination. I am required to review de novo those portions of the report or any specified findings or recommendations within it to which an objection is made. 28 U.S.C. § 636(b)(1). However, I am not required to review, de novo or

under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether objections have been filed, in either case I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1).

Upon review, I agree with Judge Acosta's recommendation, and I ADOPT the F&R [133] as my own opinion.

IT IS SO ORDERED.

DATED this 6th day of December, 2013.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge